

## LOCAL PLANNING AGENCY

APRIL 26, 2000

### 1. ROLL CALL

The meeting was called to order at 8:57 p.m. Agency members present were Chair George Greb, Vice-Chair Michael Davenport and Larry Davis. Also present were Town Attorney Monroe Kiar, Development Services Director Mark Kutney, Planning and Zoning Manager Jeff Katims, Planners Marcie Nolan and Jason Eppy and Secretary Alina Medina recording the meeting. Mr. Stahl was absent.

### 2. PUBLIC HEARING

#### *Land Use Plan Amendment*

#### 2.1 LA-00-1A, Wolf/Wal\*Mart Stores, northeast corner of Stirling Road and University Drive (from Commerce/Office to Commercial) **(tabled from April 12, 2000)**

Ms. Nolan read the planning report (Planning and Zoning Division's recommendation: denial).

Susan Motley, representing the petitioner, was present and provided a summary of the proposed development. She stated that the petitioner had met with the residents to discuss their concerns and had offered to incorporate as many solutions to those concerns as was possible. Ms. Motley indicated that there would be no substantial impact with regard to sewer, water, drainage, solid waste or traffic.

Bob Kurlander, expert witness on behalf of the petitioner, stated that he had been a real estate broker since 1982 and in sales since 1971. He opined that it was an appropriate site for commercial use as it was a site that planners had directed brokers to, it was a signalized intersection of two major arterial roadways and it was the type of site that worked best for a retail development/large scale project. Mr. Kurlander further stated that it was typical to find proposed office/commerce development closer to interstates or downtown areas and less typical to find office/commerce uses at locations such as the subject property due to traffic patterns and impact. He outlined similar retail uses already existing in the Davie/Cooper City area.

Keith Pelen, expert witness on behalf of the petitioner, advised that he had been a land planner and landscape architect for 15 years and was familiar with the Town's future land use plan map and pointed out commerce/office areas. He reiterated Mr. Kurlander's opinions regarding customary office development locations and stated that he believed the site was appropriate for commercial retail use.

Vice-Chair Davenport inquired where the nearest Wal\*Mart was in relation to the proposed site. He was advised that it was approximately five miles away at Flamingo Road and Griffin Road.

Chair Greb asked if anyone wished to speak for or against this item.

Amy Galloway, representing Exotic Acres Homeowners' Association, asked that the Agency address the surrounding area, quality of life and living conditions. She asked that in the Agency's appraisal of this rezoning request, that it consider staff's findings and recommendation. Ms. Galloway provided information on Exotic Acres and added that she was authorized to speak on behalf of Saint Bernadette Church which was also opposed to the Wal\*Mart.

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Christopher Cutro, representing Exotic Acres Homeowners' Association, reviewed the zoning criteria, provided a historical perspective on the subject corridor, analyzed the existing land use and also described current retail trends. He opined that the proposed change would adversely affect the nearby neighborhood and would be a heavy competitor for local stores and businesses. Mr. Cutro indicated that the project would affect adjacent property values partly due to lighting and noise and would decrease the viability of surrounding business properties. He concluded that the Town needed an increase in office/industrial designations and the land use plan should be maintained.

Joyce Steward, representing Exotic Acres Homeowners' Association, advised that commercial development could impact residential areas due to concerns of noise and traffic. She described the detrimental effects of incompatible zoning on similar areas. Ms. Steward spoke of the impact of Super Wal\*Mart stores located in other South Florida municipalities. She opined that the Wal\*Mart store would not be compatible with the area and would hurt nearby property owners.

Paul Lehrer, representing Exotic Acres Homeowners' Association, spoke in opposition of the rezoning request.

Edna Moore, 6553 Stirling Road, provided a history of the property and spoke in favor of the rezoning request.

Rebecca Miele, 5251 SW 49 Street, emphasized that the neighborhoods along Stirling Road to the Turnpike had few places to shop and the local residents were working people who would look for the type of employment that the Wal\*Mart would provide. She indicated that she would produce for the Town Council's review, a petition signed by over a hundred residents who lived in the area she spoke of and who were also in favor of the rezoning. Ms. Miele noted it was just 27 homeowners living in Exotic Acres who were opposed. She added that Wal\*Mart was a large contributor to local communities.

Emanuel Sponder, 901 South State Road 7, spoke in favor of the rezoning request.

Matt Becker, 7250 Peppertree Drive North, said that he did not oppose the development itself; however, the intensity of the project, 24 hours - seven days a week with deliveries at all hours, noise and odors, would be abhorrent to the adjacent neighborhood. He distributed pictures that were taken of the Super Wal\*Mart Center in Florida City to emphasize his point as to why he was opposed to the rezoning request.

Harry Stampler, 5800 Peppertree Circle West, requested that the Agency recommend denial of the rezoning. He pointed out that he had purchased his property based upon the fact that the subject parcel was zoned with only 20% maximum commercial.

Elizabeth Bonn, 14817 Balguen Road, was opposed to the rezoning. She indicated that she had purchased a lot which was directly across from the subject site and believed that this project would adversely affect her property value and future lifestyle. She circulated pictures taken of the Super Wal\*Mart Center in Florida City to provide an idea of what could be built on the site.

Bill Messon, 7550, resident of Exotic Acres, spoke in opposition of the rezoning as it would change his lifestyle and destroy the "dream that is Davie."

Virginia Lauderdale, 5306 SW 76 Avenue, spoke in favor of the rezoning. She indicated that the east side of Davie needed a Wal\*Mart and the project was a well-planned development.

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Steve Bullock, 7350 Peppertree Circle, stated that he was not opposed to having a Wal\*Mart; however, he was opposed to having it on that particular site. He believed that there were no strong, compelling reasons to change the zoning.

Norman Newberry, 5480 SW 76 Avenue, spoke in favor of the rezoning.

Joseph Fedelin, 7251 Peppertree Circle South, commented that a commerce park would be more beneficial to the Town and was against the rezoning.

As there were no other speakers, Chair Greb closed the public hearing.

Ms. Motley addressed previous comments with regard to the tax base benefits, employment opportunities, strict development requirements of the Town as opposed to those of Florida City, and the proposed truck loading procedure that Wal\*Mart would follow.

Vice-Chair Davenport asked why the petitioner felt the need to rezone this site. Ms. Motley responded that there had been no interest in the property for years and the rezoning would allow it to be developed for an appropriate use of the land for the benefit of residents in the eastern portion of the Town.

A discussion ensued among the Agency members who expressed their reasoning for believing that the rezoning was not in the best interest of the Town and the surrounding neighborhoods.

Vice-Chair Davenport made a motion, seconded by Mr. Davis, to deny. In a roll call vote, the vote was as follows: Chair Greb, yes; Vice-Chair Davenport, yes; Mr. Davis, yes; Mr. Stahl, absent. **(Motion carried 3-0)**

**3. OLD BUSINESS**

There was no old business discussed.

**4. NEW BUSINESS**

There was no new business discussed.

**5. COMMENTS AND/OR SUGGESTIONS**

There were no comments and/or suggestions made.

**6. ADJOURNMENT**

As there was no further business and no objections, the meeting was adjourned at 11:45 p.m.

Date Approved: \_\_\_\_\_

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Chair/Agency Member